

FORM TO BE USED BY PRISONERS IN FILING A COMPLAINT UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983
 IN THE UNITED STATES DISTRICT COURT
 FOR THE SOUTHERN DISTRICT OF MISSISSIPPI

COMPLAINT

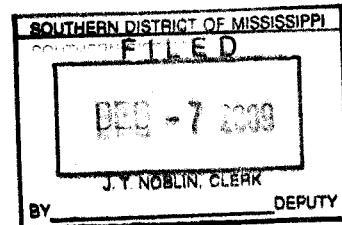
Jordan 47088
 (Last Name) (Identification Number)

Harlon LaVeato
 (First Name) (Middle Name)

S. M. C. I. P.O. Box 1719
 (Institution)

Leakes, Ville, MS. 39451
 (Address)

(Enter above the full name of the plaintiff, prisoner, and address
 plaintiff in this action)



v.

CIVIL ACTION NUMBER:

2:09cv244/KS-MTP

(to be completed by the Court)

Jones County Sheriff's Dept.

Carol Johnston

Stacy Walls

Brenda Evans
 (Enter above the full name of the defendant or defendants in this action)

OTHER LAWSUITS FILED BY PLAINTIFF

NOTICE AND WARNING:

The plaintiff must fully complete the following questions. Failure to do so may result in your case being dismissed.

A. Have you ever filed any other lawsuits in a court of the United States? Yes () No (✓)

B. If your answer to A is yes, complete the following information for each and every civil action and appeal filed by you. (If there is more than one action, complete the following information for the additional actions on the reverse side of this page or additional sheets of paper.)

- Parties to the action: N/A
- Court (if federal court, name the district; if state court, name the county): N/A
- Docket Number: N/A
- Name of judge to whom case was assigned: N/A
- Disposition (for example: was the case dismissed? If so, what grounds? Was it appealed? Is it still pending?): N/A

PARTIES

(In item I below, place your name and prisoner number in the first blank and place your present address in the second blank. Do the same for additional plaintiff, if any).

I. Name of plaintiff: Harlon L. Jordan Prisoner Number: 47088

Address: P.O. Box 1419, S.M.C.I., Leakesville, MS. 39451

(In item II below, place the full name of the defendant in the first blank, his official position in the second blank, and his place of employment in the third blank. Use the space below item II for the names, positions, and places of employment of any additional defendants.)

II. Defendant: Carol Johnston is employed as

officer / "nurse" at Jones County

Jail, 5178 Hwy. 11 North, Ellisville, MS. 39437

The plaintiff is responsible for providing the court the name and address of each plaintiff(s) as well as the name(s) and address(es) of each defendant(s). Therefore, the plaintiff is required to complete the portion below:

PLAINTIFF:

NAME: Harlon L. Jordan ADDRESS: P.O. Box 1419, S.M.C.I., Leakesville, MS. 39451

DEFENDANT(S):

NAME: Stacy Walls ADDRESS: 5178 Hwy 11 North, Ellisville, MS. 39437

NAME: Brenda Evans ADDRESS: 5178 Hwy 11 North, Ellisville, MS. 39437

GENERAL INFORMATION

A. At the time of the incident complained of in this complaint, were you incarcerated because you had been convicted of a crime?

Yes () No (✓)

B. Are you presently incarcerated for a parole or probation violation?

Yes () No (✓)

C. At the time of the incident complained of in this complaint, were you an inmate of the Mississippi Department of Corrections (MDOC)?

Yes () No (✓)

D. Are you currently an inmate of the Mississippi Department of Corrections (MDOC)?

Yes (✓) No ()

E. Have you completed the Administrative Remedy Program regarding the claims presented in this complaint?

Yes (✓) No (), if so, state the results of the procedure: I've written numerous grievances in the county jail but no remedy has yet to be provided.

F. If you are not an inmate of the Mississippi Department of Corrections, answer the following questions:

1. Did you present the facts relating to your complaint to the administrative or grievance procedure in your institution?

Yes () No ()

2. State how your claims were presented (written request, verbal request, request for forms): N/A

3. State the date your claims were presented: N/A

4. State the result of the procedure: N/A

STATEMENT OF CLAIM

III. State here as briefly as possible the facts of your case. Describe how each defendant is involved. Also, include the names of other persons involved, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of different claims, number and set forth each claim in a separate paragraph. (Use as much space as you need; attach extra sheet if necessary.)

1. Carol Johnston gave harmful, expired medication to Plaintiff defendant. "Women's menstrutabs", expired 07/07. Medication was given on 3.29.09. Also defendant ^{was} constantly denied requests for medical attention.
2. Stacy Walls refused to release my property or have it released to my family, despite repeated attempts to retrieve it. Also, defendant kept my money order & never released my jail time to the M.D.O.C.
3. Brenda Evans opened legal mail belonging to the plaintiff and stated on a grievance response that she did so to ensure the safety of her inmates. Also kept certain mail.
4. Horrible living conditions in Jones County Jail, Many Human Rights violations.
RELIEF

IV. State what relief you seek from the court. Make no legal arguments. Cite no cases or statutes.

I for the pain & suffering from the wrong medication, and the negligence in treating my severe toothache pain for such a long period of time, I ask for the sum of \$50,000.00 2. for refusing to release my personal property, I ask for the sum of \$2,500.00. 3. for opening my legal mail I ask that the parties involved be reprimanded, and receive proper instructions concerning this matter.

Signed this 27th day of October

, 2009

Marion G. Jordan 47088
P.O. Box 1419, Leakesville, MS 39451
Signature of plaintiff, prisoner number and address of plaintiff

I declare under penalty of perjury that the foregoing is true and correct.

10/27/09
(Date)

Marion G. Jordan
Signature of plaintiff

Negligence

4 Basic Elements of Negligence

1. Duty - Plaintiff must be protected under some rule of conduct.
2. Breach - defendant's conduct must have violated duty.
3. Causal Relationship - Plaintiff's injury must be result of defendant's conduct.
4. Damage - Plaintiff must have suffered loss.

C.A. 5 (Miss.) 1971 - A person can be guilty of negligence while acting within the bounds of the law.

Miss. 1941 - one may be negligent while acting lawful.

Miss. 1964 - liability rests not upon danger but upon negligence.
Hong v. Woppard 163 So. 2d 698, 249 Miss. 722

Miss. 1944 - Negligence & willfulness, or wantonness are incompatible terms, wantonness being a failure to exercise any care, while negligence is a failure to exercise due care.
Covington v. Carley, 19 So. 2d 817, 197 Miss. 535

Miss. 1992 - where there is negligent conduct liability is the rule: immunity the exception.

Glaskox By and through Denton v. Glaskox 614 So. 2d 906

Violations and living Conditions at the Jones County jail

2. 18. '09 - Extradited from Golport to Laurel. Placed in holding cell with 2 other inmates that had been there for 4 days without a shower or any hygiene supplies. The cell was unbearably filthy, nasty, an stinking, it wasn't cleaned the entire time we were there. We wrote a grievance concerning this matter and received no remedy whatsoever.

2. 18. '09 Upon my arrival, there was no medical history questionnaire, no towels, soap, toothpaste, etc. issued. shoes were taken and most inmates had only socks, even going to court in socks. The floors in the jail were "Always" cold. Some socks had holes.

2. 19. '09 Food was wasted or thrown on the floor near cell # 124 & 127. Hamburger helper, corn, cornbread & cake was on the floor for at least 16 hours before anyone cleaned it up. During this time officers & inmates bypassed it with no regards, a couple of times inmates passed with mops. Poor Sanitation!!!

2. 20. '09 I requested for towels, underwear, & shoes, but was told by officer Milsap that they were out. I complained about my toothache and was told to fill out a medical request form, but wasn't given one.

2-21-09 from cell # 130 I continuously press the panic button for help concerning excruciating toothache pain, but to no avail.

2-22-09 After finally getting a medical request form, and a grievance form, I fill out my complaints and turned them in to the officer on duty. During this time, 2-18-09 - 2-22-09, I've been constantly asking for shoes, towels, underwear, etc. The answer was always the same, "We're out"!

3-01-09 Visiting day. Before taking me to see my visitor, I was given a pair of shower shoes. Surprisingly how they found some on visiting day.

3-02-09 I wrote a grievance concerning not receiving my state issue (towels, shoes, soap, underwear, jumpsuit), to no avail. The inmates in my cell signed as witnesses to this matter. I also wrote grievances concerning the mold & mildew build up in the shower area & on the shower curtain, again no response.

3-04-09 Several inmates asked the "nurse" for the nail clippers, but she stated that they were never returned. Not caring whether they could be used as a weapon or not, they never searched for them.

3-05-09 filed another witness signed grievance concerning same complaints.

3-06-09 Response to grievance: "We'll look into requests"

3-7-09 I noticed that at least 4 other cells besides #130 had electrical wires sprouting from the walls, most outlets didn't have covers, I also noticed that the air suction vents had dirt build-up at least an inch thick. Not only health, but fire hazard exist in these cells. Electrical wires were being used by certain inmates to light cigarettes in this non-smoking facility, by touching 2 wires together causing a spark & lighting tissue. Another witnessed signed grievance was filed.

3-8-09 A fight broke out in the cell & I repeatedly pressed the panic button, but got no answer. One of the inmates got hurt pretty bad - busted head, lip, ear damage, etc. The officers do not make periodic rounds or counts. We were constantly told to beat on the windows in case of an emergency, but whenever we did we were ignored. If we persisted with the noise we were punished. There was no remedy for any situation.

3-9-09 The toothache pain is unbearable & I can't stand the pain, yet regardless of how much, or who I complain to, I'm being ignored.

3-10-09 An inmate who's diabetic suffers all day - we haven't seen an officer for at least 6 hours, but despite beating on the windows, & pressing the panic button, he still suffers without any medical attention whatsoever.

3-10-09

I Spoke to the officer on duty concerning pain pills or some medical attention from a dentist, and I was told that I needed \$0.00 before I could receive anything. My account is indigent, therefore, I'm doomed!

The cell is designed for 8 men but there's 15 here. There's no walking room, not even room to sweep the floor, due to mattresses all over the floor. 6 inmates are sick, & 1 of them has an open wound. This has to be a violation of the health code, occupancy code, and I'm sure a violation of human ethics.

Inmate Willie Nixon, James Dace III, & Christopher Keller was suffering from various injuries & symptoms ranging from neck, head, ear, injuries from a fight & heart attack symptoms. All Spoke to the "nurse" & the only treatment each of them received is a pain pill. The "nurse" did not take temp. nor did she check blood pressure. All she does is give pain pills, regardless of the situation.

3-11-09

After many grievances concerning my toothache pain, I was told by the "nurse" that she made a dental appointment for me for next week, no specific day, just next week. Also, I've yet to visit the law library even after 6 requests.

3-13-09

I've become very upset due to constant denial of medical treatment, refusals to visit the law library, and living in unsanitary conditions, not to mention germs from infected inmates & second hand smoke.

3.23.09 I filed yet another grievance against the "nurse". I haven't visited the dentist, nor have she given me any medical treatment. my so-called appointment has passed. This grievance was also witnessed signed.

3.29.09 our sink overflowed & water was all over the floor. Officer Milsap was asked to bring a mop. He stated that all the mops was outside. He never brought a mop & we had to walk around in water all night until the next day. A witness Signed grievance was also filed.

Also today I was given Menstrutab & Diotame tablets after asking for toothache pain medication. The "nurse" stated that the pills that she gave me contained tylenol, ibuprofen, and motrin. She tried to disguise the pills by removing them from the packlet, but I had already received the same pills from officer Milsap the night before, besides I retrieved the empty packlet after she threw it on the floor. I expired 07/07 just as the packlet I received from Milsap. This is also witness filed.

I also wrote a letter to the Attorney General concerning this matter, but I never received a response from his office, which leads me to believe my mail was withheld. Inmate Phillip Breland received same medication and he's a diabetic. Negligence is proven in both cases.

3.31.09 Finally after 12 requests to visit the law library, I was called out of my cell and Sgt. Brenda Tillman told me to follow her, I asked "to where", she did not answer, I followed, we ended up at the law library. I wasn't prepared & she planned it.

Continued At the law library I didn't have the proper tools to work with. If she would have told me where I was going, I would have taken my notes. This is just one of their corrupt tactics they use to keep inmates at a disadvantage.

3.31.09 Later that day I asked Officer Pistol for pain medicine for my tooth, and he stated that the "nurse" did not leave any medication out, "except for women's cramp pills, and I wouldn't dare give you those". Thus verifying the fact that the nurse was negligent.

4.2.09 After inmate James Dace III agreed not to sue Jones co. part of his agreement was that I work in the kitchen. So they gave me a job this day & also took me to the dentist, thanks to James Dace III.

4.6.09 I refused medication today because the "nurse" had it in her bare hands, and her index finger has a sore on it. This is not only disgusting, but totally unsanitary. I complained, she left. Later she came back with the same pill in a cup, as if I would think it was a different pill which she never touched.

The dentist gave her 10 days supply of tylenol for me, I only received 1 pill from her.

4.9.09 After receiving legal mail that was opened, I filed a grievance and Lt. Evans state in the response to the grievance that she open "ALL" mail to ensure the safety of her inmates. Serious violation!!!

4.21.09 After writing grievances for Gary Keyes and Chris Chamblee for medical attention denial, they were more concerned about why "I" wrote them & my education level than they were about Gary's heart attack symptoms, and Chris' contagious infection. Gary after 9 days was carried to the hospital only after agreeing to pay his own bill.

Chris however, due to his severe infection was taken immediately but was not secluded from other inmates even though his infection was air borne & contagious. Negligence!!

I asked Lt. Evans about getting legal documents notarized and she said that it wasn't her problem. Another violation!! I never got my documents notarized.

4.25.09 Inmate Robert Jones had 4 seizures today. He was finally given medical treatment after the inmates beat on the window, pressed the panic button repeatedly, and screamed at the top of our lungs for at least 20 minutes. We are constantly ignored, no one ever checks on us, we only see officers at feeding times. Robert could have died. The "nurse" when she finally came was no help, another inmate that entered with her administered the help, she just looked on.

5. 6.09 Gary Keyes had to leave the kitchen today due to severe chest pains, & shortness of breath. He stated that his heart was bothering him and he needed to go to the hospital. The nurse said she had to ask the captain whether it was alright to go to the hospital, because it costs too much. Negligence!!

5.7.09

Today I did not receive my newspaper. No one can answer why, even though my subscription is still good until the 23rd. I never received it again. This is just vengeful acts of the staff.

The staff at the Jones Co. jail is very unprofessional. The Capt. & Lt. doesn't seem to know their job duties and the nurses credentials are questionable.

I've highlighted these facts, but there is much more documentation, concerning the overcrowding, sanitation, racism, mail tampering, and not to mention the child portions of food that is always served cold due to laziness on the behalf of the officers. I worked in the kitchen & we always sent "HOT" food out but it sat in the hall for long periods of time for no reason.

The cameras posted along the hallways will prove my statements concerning the food on the floor, periodic checks (lack of), food in hall waiting to cool, etc.

The relief sought after in the above, of the money amount is directed to the Jones County Sheriff's Dept. because of the negligence of the "nurse" and the rest of the staff for violating the codes written in this suit.

Harlan L. Gordon